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**APR 11 2008**

PTO/SB/64 (12-07)

Approved for use through 12/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
092970.00002

First named inventor: Bernadette Depke et al.

Application No.: 10/806,201

Art Unit: 2188

Filed: March 22, 2004

Examiner: Duc T. Doan

Title: SYSTEMS AND METHODS FOR THE IDENTIFICATION AND/OR DISTRIBUTION OF  
MUSIC AND OTHER FORMS OF USEFUL INFORMATION

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Reply to Final Office Action, RCE and RCE Fee (\$405.00) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
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04/11/2008 VBUI11 00000007 503891 10806201  
02 FC:2453 770.00 DA

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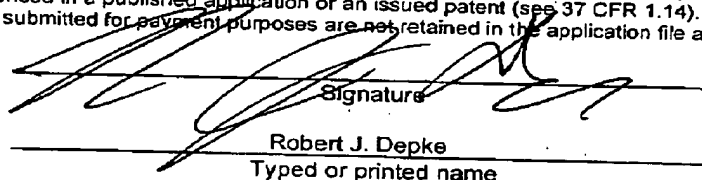
### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

### WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature  
Robert J. Depke  
Typed or printed name

4/10/08  
Date  
37,607  
Registration Number, if applicable

Rockey, Depke & Lyons, LLC  
Address  
233 S. Wacker Drive, suite 5450, Chicago IL 60606  
Address

(312) 277-2006  
Telephone Number

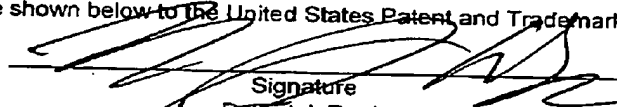
- Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☒ Additional sheets containing statements establishing unintentional delay  
☒ Other: The Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.  
☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date

  
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Robert J. Depke  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appl. No.:** 10/806,201 **Confirmation No.:** 1940  
**Applicant:** Bernadette Depke et al.  
**Filed:** March 22, 2004  
**TC/A.U.:** 2188  
**Examiner:** David T. Masdon  
**Docket No.:** 092970.00002  
**Customer No.:** 33448

**PETITION TO REVIVE**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**S I R:**

In response to the Final Office Action of January 10, 2007, Applicants petition to revive the above-identified application as follows:

Appl. No. 10/806,201  
Reply to Office Action of January 10, 2007  
Office Action dated: April 10, 2008

**REMARKS**

Applicants respectfully request that the above-referenced application be revived in light of the unintentional failure to respond to the most recent office action in this application. The undersigned notes that as a result of a failure to timely respond to the outstanding office action dated January 10, 2007, this application is now abandoned. A Notice of Abandonment was transmitted on March 17, 2008 for this application. Applicants submit that the entire delay in responding to the outstanding office action was unintentional as a result of the failure of the undersigned to promptly determine that a response to the outstanding office action should have and could have been submitted. In light of the foregoing and the attached response, Applicants submit that all claims now stand in condition for allowance.

Respectfully submitted,

Date: 4/10/08

Robert J. Depke, Reg. No. 37,607

**ROCKEY, DEPKE, LYONS & KITZINGER, LLC.**

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